

BOSE MCKINNEY & EVANS LLP**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Atty. Docket: 8266-1126 }
Applicants: Zerhusen et al. }
Title: BED SIDERRAILS }
HAVING FLEXIBLE PORTIONS }
Serial No.: 10/644,122 }
Filed: August 20, 2003 }
Examiner: Lee, Jong Suk }
Group: 3673 }

**RECEIVED
CENTRAL FAX CENTER****DEC 08 2004** 135 North Pennsylvania Street
2700 First Indiana Plaza
Indianapolis, Indiana 46204
(317) 684-5000**Certificate Under 37 CFR 1.8(a)**

I hereby certify that this paper or fee is being transmitted via facsimile (703) 872-9306 and addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

on December 8, 2004

Brenda Vandover

Dated: December 8, 2004**AMENDMENT AND REPLY
UNDER 37 U.S.C. § 1.111**

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed October 8, 2004, Applicants submit the following amendments and remarks for the Examiner's consideration.

Amendments to the Specification begin on page 2.

Claims begin on page 3.

Remarks begin on page 6.

**RECEIVED
CENTRAL FAX CENTER**

DEC 08 2004

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

Christine E.M. Orich
2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, IN 46204
Direct Dial: (317) 684-5414
Fax: (317) 223-0414
E-Mail: COrich@boselaw.com

FAX TRANSMITTAL SHEET

Date/Time: December 8, 2004

CONFIDENTIALITY NOTICE: The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the individual(s) or entity(ies) named below. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile transmission in error, please immediately notify us by telephone to arrange for return of the forwarded documents to us.

TO	FAX NO.
<u>Examiner Lee</u>	<u>703/872-9306</u>
<u>Art Group 3673</u>	

User Number: 872 Client #: 8266 Matter #: 1126

Total number of pages transmitted including cover sheet: 15

Comments: Sent by fax: December 8, 2004
Applicants: Zerhusen et al.
Serial No.: 10/644,122
Filed: August 20, 2003
Title: BED SIDERAIS HAVING
Atty. Docket: 8266-1126

X Amendment and Reply Under 37 U.S.C. §1.111
X Amendment Transmittal

If you experience any problems in receiving any of these pages, please call the Copy Center as soon as possible at (317) 684-5144. Thank you.

Operator Initials:

BOSE MCKINNEY & EVANS LLP

CUSTOMER NUMBER 25267

2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204

PATENT APPLICATION

Applicant: Zerhusen et al.
 Serial No.: 10/644,122
 Filing Date: August 20, 2003
 Title: BED SIDERRAILS HAVING FLEXIBLE PORTIONS
 Group: 3673 Examiner: Lee, Jong Suk
 Atty. Docket: 8266-1126

<u>Certificate Under 37 C.F.R. § 1.8(a)</u>	
I hereby certify that this correspondence is being transmitted via facsimile (703) 872-9306 and addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.	
on	<u>December 8, 2004</u>
 Brenda Vandever	
Dated:	<u>December 8, 2004</u>

Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a response in the above-identified application:

The fee has been calculated as shown below:

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	NUMBER EXTRA	RATE	Fee
TOTAL CLAIMS (37 C.F.R. 1.16(c))	28	28	0	\$18	\$0
INDEPENDENT CLAIMS (37 C.F.R. 1.16(b))	8	8	0	\$88	\$0
If applicant has small entity status under 37 C.F.R. 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	NO	\$0
TOTAL FEE FOR ADDITIONAL CLAIMS					\$0

*If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

**If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

An Extension of Time for _____ month(s) is hereby requested under
 37 C.F.R. 1.136(a). The required fee for filing this extension is: _____

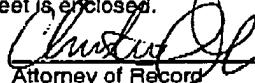
Information Disclosure Statement

TOTAL FEE FOR THIS AMENDMENT

\$0

A check in the amount of \$0 to cover the total fee for this amendment is attached.

The Commissioner is hereby authorized to charge any additional filing fees under 37 C.F.R. 1.16 or processing fees under 37 C.F.R. 1.17 which may be required during the prosecution of this application, or credit of any overpayment, to Bose McKinney & Evans LLP's Deposit Account No. 02-3223. A duplicate copy of this sheet is enclosed.


 Attorney of Record
 Printed Name: Christine E.M. Orlitz
 Registration No.: 44,987

583441_1